Negotiation with North Eastern Ultras

2394. SHRI PARAG CHAUHA;
SHRI SHIV CHARAN SINGH;

Will the Minfster of HOME AFFAIRS be pleased to state:

(a) whether any other groups besides those of Nagaland ultras, belonging to the North Eastern Region in general and Assam in particular, have volunteered or have been persuaded to negotiate their demands etc. across the table;

(b) if so, the details thereof; and

(c) what have been the results of bilateral negotiations with the Naea ultras after cease-fire?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR); (a) No, Sir.

(b) Does not arise.

(c) The Prime Minister in a statement इन both the Houses of Parliament on 25 luly, 1997 has informed, interalin, that after his visit to Nagaland and other North Eastern States, Government's willingness to hold un-conditional talks with the under-ground elements had been reiterated and that after talks with the Issac-Muivah group of the National Socialist Council of Nagaland, it has now been agreed to cease fire for 3 months with effect from 1st August, 1997 and embark upon political level discussions.

Committee to Reconsider TADA

2395. SHRI SANJAY DALMIA: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have examined the recommendations of Committee Experts and the judgement given in the courts for reconsideration to replace TADA;

(b) if so. Government's reaction thereto;

(c) by when a legislation in this regard is likely to be introduced;

(d) whether courts have been finding it difficult to dispose of the cases due to lapses in TADA; and

(e) if so, the steps taken to dispose of the said cases?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR): (a) to (c) In erstwhile Terrorist & Disruptive Activities Act, 1987 whose constitutionality was upheld by the Hon'ble Supreme Court was allowed to lapse in May, 1995 because of the criticism that some of its provisions were allegedly misused. After detailed discussions with various State Governments and Leaders'of Political Parties, Criminal Law Amendment Bill which sought to fill in the vaccum created by TADA was introduced in Rajya Sabha in May, 1995 and the same is pending in the House. The Bill broadly seeks to strike a balance between Human Rights concerns and the requirement to combat terrorism. Government would like to hold wider consultations on the various provisions of the above Bill before moving for its; consideration by the Parliament.

(d) and (e) The Supreme Court in its judgement of February, 1996, cate- gorised TADA detenus for grant of bail which had to be followed by Designated TADA courts. Lapse of erstwhile TADA does not create any I difficulty iri disposal of pending proceedings because of Saving Clause, Section 1(4) of the erstwhile TADA. Pending proceeding can be disposed off as if the Act had not Lapsed. However, no new case or proceeding can be institiited. Prosecution branches of all Sta~tesAn"s have been instructed

not to seak unnecessary adjournments and to expedite the trial in pending cases.

Working of Burgers Memorial Girls' Hostel

2396. SHRI GOVINDRAM MIRr; Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether his Ministry has recent ly received some detailed complaints about the alleged bungling in use of grants, fake admission and exploita. tion of the students etc. relating to a minority educational institution of Bilaspur (M.P.) viz. Burgers Memo rial Girls' Hostel;

(b) if so, the details thereof; and

(c) the action taken/contemplated ihereon?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR): (a) to (c) The information is being collected and will be laid on the Table of the House.

Swatantra Sainik Samman Pension Scheme

2397. SHRI YERRA NARAYANA-SWAMY: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have sanctioned pension under Swatantra Satnik Samman Pension Scheme 1980 to those who produced two ccprisoner and later on with only one co-prisoiner certificate;

(b) if so, whether it is a fact that applicants were refused on account of delay as late as 1993; and

(c) whether Government have now decided to consider the applications for sanctioning pensions who submitted ap-plications even in 1993 with one co-pri-soner certificate and even if they have not produced any record from Pakistan?

THE MINISTER OF STATE IN THE MINSTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR): (a) Under the Swatantrata Sainik Samman Pension Scheme, 1980 pension is granted to those who claimed imprisonment/detention during the freedom strugle, on production of the following document(s):—

Certaificate from 'the concerned Jail authority, Distri:t MagiStiate or the State Government indicating period of sentence awarded, date of admission, date of release and reasons for release. In the absence of such certificates from offilaial records, a Non-availability of Records Certificate (NARC) from the concemsd authorities alongwith Co-prisoners' Certificates (CPC) as under:—

(i) Two Co-prisoners' Certificates from the freedom fighter pensioners who had a proven jail suffering of one year.

(ii) One Co-prisoners' Certificate from a sitting MP or MLA or from an ex-MP or an ex-MLA specifying his jail period and that of the applicant.

(b) Consequent to the judgement dated 14-5-1993 or the Hon'ble S'lpreire Court in the case of Mukund Lai Bhan-dari, the Central Government has been accepting the annlications under the schems without raising the plea that they are beyond the prescribed date. The sanction of psnston would, however, be subject to the requisite proof in support of the claim.

(c) In the case of persons who pro duced jail certificates which meniion their conviction and admission to the jail but were transferred within a few days to jails now in Pakistan, pension coTild be sanctioned on obtaininE; an affidavit fitom the freedom fighter that:—

(i) he underwent the imprisonment mentioned in the conviction (Nime of Jail etc. and period to be sperited); and